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Sub-Commission on Prevention of
Discrimination and Protection
Minorities

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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Report of the Secretary-General containing information submitted by United Nations bodies, specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

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INTRODUCTION

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in paragraph 1 of its resolution 7 (XXVII) of 20 August 1974, decided to review annually developments relating to the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, the specialized agencies, the regional intergovernmental organizations and the competent non-governmental organizations in consultative status with the Economic and Social Council. In paragraph 2 of that resolution, the Sub-Commission requested the Secretary-General to transmit to it the information referred to in paragraph 1.

2. Pursuant to that resolution, the Secretary-General requested information from Governments, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations High Commissioner for Refugees, the Council of Europe, the Intergovernmental Committee for Migration, the International Criminal Police Organization (Interpol), the League of Arab States, the Organization of African Unity, the Organization of American States, as well as non-governmental organizations concerned.

3. The present document contains the replies received up to 5 June 1991 from specialized agencies and intergovernmental organizations. Document E/CN.4/Sub.2/1990/19 contains information submitted by Governments as at 5 June 1991. The synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council will be submitted in a separate document (E/CN.4/Sub.2/1991/21).

4. In a letter dated 19 March 1991, the United Nations Office of the Director-General for Development and International Economic Cooperation stated that it possessed no relevant information. In a letter dated 13 February 1991, the United Nations Development Programme stated that it did not maintain in its institutional data banks information on activities concerning the human rights of detained or imprisoned persons. In a letter dated 8 February 1991, the World Intellectual Property Organization stated that it had no information to submit on this subject.

I. UNITED NATIONS BODIES

United Nations High Commissioner for Refugees [23 January 1991]

1. Over the last 12 months, the Office of the United Nations High Commissioner for Refugees has continued its efforts to prevent and reduce instances of detention of asylum-seekers and refugees. As in preceding years, UNHCR field offices have been required to register and report any incidents concerning the detention of the above-mentioned categories of person in their respective countries and regions. They were notably required to report on any relevant legislative and administrative regulations or other measures and practices relating to detention.

2. In this connection, it is with regret that UNHCR has noted an increase of such instances of detention in several regions during the past year. The Office has in many instances intervened with the authorities in order to prevent such measures. Nevertheless, widespread resort to detention practices - sometimes aimed at deterring further arrivals - has become increasingly frequent, as have instances in which detention has, for a variety of reasons, become unduly protracted.

3. This problem is further aggravated by the fact that few countries have established arrangements whereby local UNHCR offices are automatically informed of cases of detained refugees and asylum-seekers. Where such arrangements do not exist, UNHCR is sometimes made aware of their presence informally by the authorities or by non-governmental and other agencies. This practice clearly demonstrates the fact that the success of UNHCR's efforts to restrict measures and practices of detention of refugees and asylum-seekers depend largely on the cooperation of States, competent United Nations bodies and non-governmental organizations concerned with issues relating to refugees and human rights.

II. SPECIALIZED AGENCIES

International Labour Organisation [12 February 1991]

1. Since the latest session of the Sub-Commission, the ILO Governing Body's Committee on Freedom of Association has examined a number of complaints involving cases of arrest and detention of workers because of their trade union activities.

2. The list of these cases and of the relevant reports of the Committee is as follows:

272nd report: Cases Nos. 1273 (El Salvador); 1413 (Bahrain); 1419 and 1476 (Panama); 1426 and 1444 (Philippines); 1478/1484 (Peru); 1479 (India); 1492 (Romania); 1510 (Paraguay); 1512 (Guatemala); 1516 (Bolivia).

275th report: Cases Nos. 1341 (Paraguay); 1434/1477 (Colombia); 1441/1494 (El Salvador); 1500 (China); 1512 (Guatemala); 1520 (Haiti); 1537 (Niger).

United Nations Educational, Scientific and Cultural Organization [15 March 1991]

1. With reference to the resolution concerning the human rights of persons subjected to any form of detention or imprisonment, the United Nations Educational, Scientific and Cultural Organization has provided the following comments.

2. Among the cases brought to the United Nations Educational, Scientific and Cultural Organization Committee on Convention and Recommendations through procedure 104 EX/3.3, allegations concerning violations of the human rights of persons subjected to detention or imprisonment still occupy a large part. 1/

1/ Nigel Rodley, The Treatment of Prisoners under International Law, (UNESCO: Paris).

III. INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe [12 February 1991]

The Council of Europe has published several reports concerning the question of the conditions of the deprivation of liberty as a result of discussions on this subject at the 7th Colloquium on the European Convention on Human Rights, held in Copenhagen, Oslo and Lund from 30 May to 2 June 1990. Other reports have also been produced for presentation to the Conferences of European Ministers of Justice. Finally, the Council has released a report on the activities of the European Committee for the Prevention of Torture.

International Criminal Police Organization (Interpol) [29 January 1991]

1. As regards the subject concerned, Interpol has stated its position in a resolution adopted by its General Assembly in October 1949, which states as follows:

> "All acts of violence or inhumane treatment, that is to say, those contrary to human dignity committed by the police in the exercise of their judicial and criminal police duties must be denounced to justice".

2. The Interpol General Assembly resolution further recommended that "in all police training schools special importance be attached to the complete recognition of the right of all persons suspected of an infringement of the penal law or any other persons to receive fair and human treatment".

3. We may add that the teaching of the observance of human rights in the execution of police duties was one of the agenda items discussed by delegates to the Ninth Interpol Symposium for Heads of Police Colleges which was held in Lyon in December 1990.